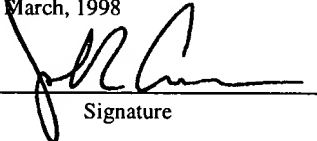


23 ~~Patent~~ #23  
I hereby certify that this correspondence  
is being deposited with the United States  
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Commissioner for Patents, Box M. FEE  
Washington, D.C. 20231, on this 4th  
day of March, 1998

  
Signature

John R. Crossan, Reg. No. 27,433  
Registered Representative

PATENT & TRADEMARK  
OFFICE  
MAR -9 98  
PATENT MAINTENANCE  
DIVISION

PATENT  
Attorney Docket No. 1703941

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent of )  
Alois A. LANGER et al. 26/243801 )  
U.S. Patent No. 4,407,288 )  
Issue Date: October 4, 1983 )  
For: IMPLANTABLE HEART STIMULATOR )  
AND STIMULATION METHOD )

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OFFICE OF PETITIONS  
& PATENTS

PAYMENT OF DIFFERENCE IN MAINTENANCE FEES DUE  
IN VIEW OF ERROR IN NOT NOTIFYING THE PATENT OFFICE  
OF LOSS OF SMALL ENTITY STATUS

Box M. FEE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Status of the owner of this patent as a small entity was properly established in good faith, and fees were paid in good faith as a small entity. It was recently discovered that through error the Office was not notified of a change in that status occurring in 1985, prior to payment of the first maintenance fee due, in 1987.

The owner of the patent, pursuant to 37 CFR section 1.28(c), herewith pays the deficiency between the amounts paid as a small entity ("SE") and the amount presently due as other than a small entity (a "large entity", or "LE"), computed as follows:

Item Due	Date Paid	Amount Paid	Amount Now Due	Deficit
First Maintenance Fee	March 2, 1987	\$225.00 (SE)	\$1,050.00 (LE)	\$ 825.00
Second Maintenance Fee	Oct. 31, 1990	\$495.00 (SE)	\$2,100.00 (LE)	\$1,605.00
Third Maintenance Fee	March 17, 1995	\$2,900.00 (LE) (correct amount)	--.--	--.--
			Total Due:	<b>\$2,430.00</b>

The \$2,430 now due, under 37 CFR 1.20(e) and (f) and 37 CFR 1.28(c), is authorized to be charged to our deposit account, No. 50-0305. Any deficiency in maintenance fees authorized here and any other fees found to be due should also be charged to that account.

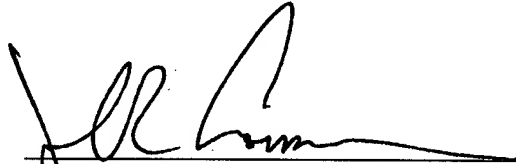
A notice of change in status of this patent from small entity to not is also enclosed, as required, under 37 C.F.R. 1.366(f).

Please excuse the error in late payment of the correct amount of these two maintenance fees and in late notification of the owner's change in small entity status. Under the express language of 37 CFR 1.28(c) (modified as of December 1, 1997) and cases such as *Jewish Hospital of St. Louis v. Idexx Laboratories*, 42 USPQ2d 1720 (D.Me. 1996) (under the prior rule), the patent did not lapse due to the inadvertent error, made in good faith, upon failure to change the status of the owner due to licensing of a large entity. Here,

the license was transferred from a small entity to a large entity without counsel's files being properly re-marked.

Respectfully submitted,

March 4, 1998



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John R. Crossan, Reg. No. 27,433  
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